

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2016 DEC 13 AM 11:29

DEPUTY CLERK

CSJ

UNITED STATES OF AMERICA

v.

RODRIGO RAMIRO MENCHACA

No. 6:16-CR-035-C
(Supersedes Indictment filed
November 16, 2016)

SUPERSEDING INDICTMENT

Count One

Transfer of Obscene Material to a Minor
(Violation of 18 U.S.C. §§ 1470 and 2)

On or about November 2, 2015, in the San Angelo Division of the Northern District of Texas, and elsewhere, **Rodrigo Ramiro Menchaca**, defendant, knowingly used a facility and means of interstate and foreign commerce and transferred to another individual who he knew had not attained the age of sixteen years, obscene matter, that is: Defendant **Menchaca** used a mobile messaging application to send an image of a vagina to a minor female who had not attained the age of sixteen years, knowing that said minor female had not attained the age of sixteen years.

In violation of Title 18, United States Code, Sections 1470 and 2.

Count Two

Transfer of Obscene Material to a Minor
(Violation of 18 U.S.C. §§ 1470 and 2)

On or about November 7, 2015, in the San Angelo Division of the Northern District of Texas, and elsewhere, **Rodrigo Ramiro Menchaca**, defendant, knowingly used a facility and means of interstate and foreign commerce and transferred to another individual who he knew had not attained the age of sixteen years, obscene matter, that is: Defendant **Menchaca** used a mobile messaging application to send an image of a penis to a minor female who had not attained the age of sixteen years, knowing that said minor female had not attained the age of sixteen years.

In violation of Title 18, United States Code, Sections 1470 and 2.

Count Three

Stalking

(Violation of 18 U.S.C. §§ 2261A(2)(B) and 2)

Between on or about October 30, 2015, and on or about November 7, 2015, in the San Angelo Division of the Northern District of Texas, and elsewhere, **Rodrigo Ramiro Menchaca**, defendant, with the intent to harass and intimidate “Jane Doe,” a minor female, used a facility of interstate and foreign commerce, that is, the Internet, to engage in a course of conduct that caused, and would be reasonably expected to cause, substantial emotional distress to that person.

In violation of Title 18, United States Code, Section 2261A(2)(B) and Section 2.

Count Four

Possession of Prepubescent Child Pornography and Aiding and Abetting
(Violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2), and 18 U.S.C. § 2)

Between on or about August 4, 2012, and on or about October 28, 2016, in the San Angelo Division of the Northern District of Texas, and elsewhere, **Rodrigo Ramiro Menchaca**, defendant, did knowingly possess, and attempt to possess, a Kingston Data Traveler TD 1GB thumb drive, serial number CN041107, containing at least one image of child pornography as defined in 18 U.S.C. § 2256(8)(A) that involved a prepubescent minor, and that had been mailed, shipped, and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), and 18 U.S.C. Section 2.

Forfeiture Notice
(18 U.S.C. §§ 1467 and 2253(a))

Upon conviction of the offense in Count One of the superseding indictment, and pursuant to 18 U.S.C. § 1467, defendant **Rodrigo Ramiro Menchaca** shall forfeit to the United States of America: (a) any property, real or personal, used or intended to be used to commit or to promote the commission of any violation of Chapter 71; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from any violation of Chapter 71; and (c) any obscene material produced, transported, mailed, shipped, or received in violation of Chapter 71.

Further, upon conviction of the offense alleged in Count Three, and pursuant to 18 U.S.C. § 2253(a), defendant **Rodrigo Ramiro Menchaca** shall forfeit to the United States of America: (a) any visual depiction described in Section 2251, 2252, or 2252A of Chapter 110, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense alleged in Count Three; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of the offense alleged in Count Three, and any property traceable to such property.

The above-referenced property subject to forfeiture includes, but is not limited to, the following:

One Motorola Moto X cellular telephone, model number XT1096;

One Apple iPhone 4, serial number C8TL2AN8DP0V;

One Kingston Data Traveler TD 1GB thumb drive, serial number CN041107;

One N2 Systems tower desktop computer case; and

One Western Digital 40GB computer hard disk drive, serial number WMAHL1280575, contained in the N2 Systems tower desktop case referenced above,

which were seized from the defendant's residence on October 28, 2016, during the execution of a search warrant by the Department of Homeland Security, Homeland Security Investigations agents.

If any of the property described above, as a result of any act or omission of the defendant:

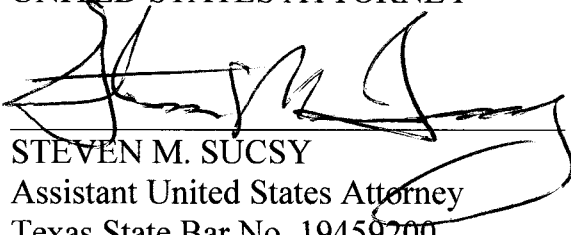
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §§ 1467 and 2253, to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property described above.

A TRUE BILL


FOREPERSON

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UNITED STATES ATTORNEY


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

THE UNITED STATES OF AMERICA

v.

RODRIGO RAMIRO MENCHACA

SUPERSEDING INDICTMENT

18 U.S.C. §§ 1470 and 2,
Transfer of Obscene Material to a Minor and Aiding and Abetting
(Two Counts)

18 U.S.C. §§ 2261A(2)(B) and 2
Stalking and Aiding and Abetting
(One Count)

18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2) and 18 U.S.C. § 2
Possession of Prepubescent Child Pornography and Aiding and Abetting
(One Count)

Notice of Forfeiture

A true bill rendered,



LUBBOCK, TEXAS

Foreperson

Filed in open court this 13th day of December, A.D. 2016

WARRANT TO ISSUE FOR DEFENDANT

Clerk



UNITED STATES MAGISTRATE JUDGE